

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION**

TERRANCE KEATON, Individually and on
Behalf of All Others Similarly Situated,

Plaintiff,

vs.

Case No. 4:18-cv-736-DPM

GAMMA HEALTHCARE, INC.

Defendant.

AGREED PROTECTIVE ORDER

Upon good cause shown, and by agreement of the parties, through counsel, the Court herewith orders that any company records, personnel records, videos, handbooks, training materials, policy manuals or other documents produced in discovery in this Civil Action, including excerpts of or compilations from therein (collectively, “the records”) shall be subject to the following restrictions:

- (a) The records or any copies of the records shall not be circulated to any person other than counsel, the parties, and the Court;
- (b) The contents of the records shall not be disclosed to any person other than counsel, the parties, and the Court except for expert witnesses as designated by the parties;
- (c) The records shall be used only for purposes of the instant litigation;
- (d) Counsel must confer in good faith in person before bringing any dispute over whether material is confidential to the Court. If the parties reach an impasse, they should file a joint report explaining the disagreement. They should file this paper under the CM/ECF event called “Joint Report of Discovery Dispute.” The joint report must not exceed ten pages, excluding the style and signature block. Each side gets five pages. Do not file a motion asking for more pages. Use double

spacing and avoid footnotes. Attach documents as needed. Redact any attachments as required by Federal Rule of Civil Procedure 5.2 to protect confidential information. The Court will rule or schedule a hearing. Alert the law clerk on the case to the joint report's filing. If a dispute arises during a deposition, call chambers so the Judge can rule during the deposition.

- (e) In an electronic or paper filing with the Court, confidential information shall be redacted if practicable. When redaction is impracticable, then a party must move for permission to file a document under seal. The party must make a document-by-document showing with specifics that the information is not public and that sealing is necessary to protect it. Only the Court, Court personnel, and counsel for the parties shall have access to the sealed record in this proceeding until further Order of this Court.
- (f) At the termination of this Civil Action, including all appeals, or upon the expiration of the time period for appeal with no appeal having been taken, any records furnished by any Defendant and all copies thereof in the possession of opposing counsel or parties shall be returned to counsel for the respective Defendant or destroyed with written certification of destruction being provided to counsel for the respective defendant.
- (g) This Order shall remain in effect for one year after this case ends, including any appeals. Thereafter, it shall remain in effect, subject to its terms, only as a matter of contract between the parties and signers of the agreement.

SO ORDERED this 9th day of August, 2019.

D.P. Marshall, Jr.
D.P. Marshall, Jr.
United States District Judge

Agreed and Approved:

/s/ Richard Underwood
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